

REMARKS

Claims 43-96 are all the claims pending in the application. In order to advance prosecution, and to permit immediate consideration of an interference with pending U.S. Patent Application Ser. No. 09/723,003, filed 11/27/2000, Applicants cancel Claims 43, 45-47, 50-52, 54-64, 66, 69-84, 86-91, and 94-95 without prejudice to presenting these claims in a further continuation application. The remaining claims 44, 48, 49, 53, 65, 67, 68, 85, 92, 93 and 96 are considered to interfere with allowed claims 52-58 and 60-63 of Broome *et al.* Ser. No. 09/723,003, and with certain claims of U.S. Patents 6,468,291 and 6,179,859 to Bates *et al.*, as previously pointed out by applicants.

Applicants appreciate the Examiner's indication in the Office Action that Claim 93 would be allowable if rewritten in independent form. Applicants have accordingly amended Claim 93, and entry and allowance are respectfully requested.

Of the remaining claims, Claims 44, 48, 49, 53, 65, 67, 68, 85, 92, and 96 are rejected. The applicants thank the Examiner for the courtesy of an interview on June 23, 2005, and the Examiner's helpful comments on the present amendments, which are considered to place each of these claims in condition for allowance. Applicants provide the following statement of the substance of the interview: In regard to claims 44 and 48, in order to overcome the cited art, the limitations, "self-expanding filter sac" or "filter sac deployed in an expanded configuration" should be added; in regard to claims 65, 85 and 92, the limitation. "a guidewire having a distal region including a stop" should be changed to "a guidewire having a distal stop;" and in regard to claim 96, the limitation "recovery sock" should be changed to "pod."

Rejections under §102

Claims 65, 67, 68, 85 and 92 are rejected under §102(b) as anticipated by Ladd (U.S. Patent 6,059,814). These rejections are respectfully traversed.

Applicants have now amended Claim 65 to recite “providing a guide wire having a distal stop” and it is respectfully submitted that the rejection of Claim 65, as well as dependent Claims 67 and 68, should be withdrawn. Applicants have similarly amended Claim 85 to recite “a guide wire having a distal stop” and have amended Claim 92 to recite “a guide wire having a distal stop.” Withdrawal of the rejection of these claims is respectfully requested.

Claims 44, 48, 49, and 53 are rejected under §102(b) as anticipated by Ressemann *et al.* (U.S. Patent 5,897,567). These rejections are also respectfully traversed.

In order to advance prosecution, applicants have amended Claims 44 and 48 to recite a “self-expanding” filter sac and filter element, without prejudice to pursuing broader subject matter in a continuation application. Withdrawal of the rejections of Claims 44, 48, and dependent Claims 49 and 53 is respectfully requested.

Rejection under §112, first paragraph

Claim 96 is rejected under §112, first paragraph. This rejection is respectfully traversed.

It is respectfully submitted that the specification complies with the requirements of §112, first paragraph. Further, Applicants have now amended Claim 96 to recite a catheter having a “pod,” as expressly disclosed in the specification. It is respectfully submitted that this structure would clearly be understood by those skilled in the art, and withdrawal of the rejection under §112, first paragraph is respectfully requested.

GILSON et al.
Appln. No. 10/058,828
Amendment Under 37 C.F.R. § 1.111


Atty. Dkt.: A8937

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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